

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims

1-30 (canceled).

31. <sup>currently</sup> (Amended) A transmission rate control apparatus comprising:

reception circuitry that receives a received quality measured at a communication terminal without receiving any indication of transmission rate based on the received quality; and

transmission rate control circuitry that changes a transmission rate to said communication terminal based on the received quality,

wherein said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates.

32. (Previously Added) The transmission rate control apparatus according to claim 31, wherein, after said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates, said transmission rate control circuitry changes the transmission rate to an original value when the received quality at the side of said communication terminal subsequently improves.

*currently*  
33. (Amended) A base station apparatus provided with a transmission rate control apparatus, said transmission rate control apparatus comprising:

reception circuitry that receives a received quality measured at a communication terminal without receiving any indication of transmission rate based on the received quality; and

transmission rate control circuitry that changes a transmission rate to said communication terminal based on the received quality, wherein said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates.

D1  
Cont.  
34. (Previously Added) The base station apparatus according to claim 33, wherein, after said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates, said transmission rate control circuitry changes the transmission rate to an original value when the received quality at the side of said communication terminal subsequently improves.

35. (Previously Added) A communication terminal apparatus comprising:

monitor circuitry that monitors a received quality;

judgment circuitry that judges whether the received quality deteriorates; and

*D/ CMC.*  
transmission circuitry that transmits the received quality at a timing at which said judgment circuitry judges that the received quality deteriorates and that does not transmit a transmission rate based on the received quality.

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